

IN THE MATTER OF:)
)
Ashta Chemicals, Inc.) **NOTICE OF VIOLATION**
3509 Middle Road)
Ashtabula, OH 44004) **EPA-5-00-OH-11**
)
Proceedings Pursuant to)
Section 113(a)(1) of the)
Clean Air Act,)
42 U.S.C. § 7413(a)(1))

The Administrator of the United States Environmental Protection Agency (U.S. EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act. U.S. EPA finds that Ashta Chemicals, Inc. is violating the federally approved Ohio State Implementation Plan (SIP), as follows:

1. U.S. EPA approved the Ohio Administrative Code (OAC) Chapter 3745-31 as part of the federally enforceable Ohio SIP on October 31, 1980. 45 Fed. Reg. 72119. This approval included OAC Rules 3745-31-01, 3745-31-02 and 3745-31-05.
2. OAC Rule 3745-31-02 states that no person shall cause, permit, or allow the installation of a new source of air pollutants without first obtaining a permit-to-install from the director.
3. OAC Rule 3745-31-05(A) states that the director shall issue a permit-to-install if [the director] determines that the installation or modification and operation of the air contaminant source will: (1) not prevent or interfere with the attainment or maintenance of applicable ambient air quality standards; (2) not result in a violation of any applicable laws; and (3) employ the best available technology.
4. OAC Rule 3745-31-05(C) states that the director may impose such special terms and conditions as are appropriate or necessary to ensure compliance with the applicable laws and to ensure adequate protection of environmental quality.

5. U.S. EPA approved the Ohio Administrative Code (OAC) Chapter 3745-17 as part of the federally enforceable Ohio SIP on May 27, 1994. 59 Fed. Reg. 27464. This approval included OAC Rules 3745-17-08 and 3745-17-11.
6. OAC Rule 3745-17-08(B) states that "no person shall cause or permit any fugitive dust source to be operated; or any materials to be handled, transported, or stored ... without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne."
7. OAC Rule 3745-17-08(B)(3) establishes the installation and use of hoods, fans, etc. as an example of reasonably available control measures.
8. OAC Rule 3745-17-11 establishes industrial mass limits for any operation, process or activity which may release particulate emissions into the ambient air.
9. OAC Rule 3745-17-11(B) states "... any owner or operator of a source of particulate emissions which is located within the following counties shall operate said source so that the particulate emissions do not exceed the allowable emission rate specified by "curve P-1" of "Figure II" or by "Table I", whichever is applicable under paragraph (A)(2) of this rule: Adams, Allen, Ashtabula ..."
10. 40 C.F.R. § 52.23 states, in part, that failure to comply with any permit condition issued pursuant to approved or promulgated regulations for the review of new or modified stationary sources, renders a person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to an enforcement action under section 113 of the Clean Air Act.
11. 40 C.F.R. § 52.01 defines stationary source as: any building, structure, facility or installation which emits or may emit an air pollutant for which a national standard is in effect.

Factual Background

12. Ashta is the owner and/or operator of the following processes and equipment, located at 3509 Middle Road, Ashtabula, Ohio 44004.
 - a. Anhydrous potassium carbonate (APC) process
 - b. Potassium hydroxide concentrator (KOH) process
 - c. Two natural gas fired boilers (North and South boilers)

13. The processes and equipment identified in paragraph twelve (a-c) are each a new source as that term is defined at OAC Rule 3745-31-01.
14. New sources are subject to the permit-to-install (PTI) requirements of OAC Rule 3745-31-02.
15. Best Available Technology (BAT) for the processes and equipment identified in paragraph twelve (a-c) is incorporated into the respective PTIs as a condition of the PTI.
16. Permits issued pursuant to approved or promulgated regulations for the review of new or modified stationary sources are federally enforceable under 40 C.F.R. § 52.23.
17. On October 30, 1991, the Ohio Environmental Protection Agency issued a PTI to Ashta (at that time Linchem) for a 9.7 mmBTU/hr boiler (North Boiler), a chloropicrin process and a chloropicrin storage tank.
18. On February 14, 1996, the Ohio Environmental Protection Agency issued a PTI to Ashta for an 8.4 mmBTU/hr boiler (South Boiler), an anhydrous potassium carbonate plant and a potassium hydroxide solution concentrator.
19. The February 14, 1996 PTI establishes various emission limits for particulate matter (PM) and Best Available Technology (BAT) requirements. This PTI also states "as specified in OAC Rule 3745-31-05, all new sources must employ Best Available Technology (BAT). Compliance with the terms and conditions of this permit will fulfill this requirement."
20. The February 14, 1996 PTI establishes a 2.65 lbs/hr mass emission rate for PM for the anhydrous potassium carbonate plant. This PTI also requires the installation and operation of a baghouse at the APC process. Both the mass emission limit and the installation and operation of the baghouse are permit conditions and BAT limits.
21. Fugitive emissions from the APC process are subject to the reasonably available control measures required by OAC Rule 3745-17-08(B).
22. Emissions from the APC process are subject to the particulate matter limits set forth at 3745-17-11.


23. The allowable particulate emission rate under 3745-17-11 is 10.1 lb/hr based on a maximum production rate of 7636 lb/hr.
24. U.S. EPA conducted a multi-media compliance inspection at Ashta from June 14-25, 1999.
25. On June 18, 1999, Ashta submitted a letter to OEPA stating the APC baghouse was not functioning, nor has it been functioning as originally designed for three years.
26. U.S. EPA issued a Request for Information to Ashta pursuant to Section 114 of the Act on August 20, 1999.
27. Ashta submitted responses to the 114 Request for Information on September 7, 15, and 28, 1999.
28. Information received from Ashta in the 114 submittals showed that several processes were constructed prior to receiving a final permit-to-install.
29. On July 9, 1999, OEPA issued a certified letter to Ashta notifying Ashta of possible violations at the anhydrous potassium carbonate plant (P006).
30. On August 16, 1999, OEPA requested Ashta to quantify APC particulate emissions from the APC load-out chute.
31. On September 15, 1999, Ashta submitted to OEPA a spreadsheet which quantifies emissions from the APC load-out chute.

Findings of Violation

32. In violation of OAC Rule 3745-31-02, Ashta constructed the new sources of air pollution identified in paragraph twelve prior to obtaining a PTI.
33. In violation of conditions in the PTI issued February 14, 1996, Ashta exceeded the allowable mass emission rate for particulate matter of 2.65 lb/hr at the APC process. This violation occurred on 580 separate days from January, 02, 1996 through, at least, July 29, 1999. This violation is based on five percent dust escaping during load-out averaged over three hours.

34. In violation of OAC Rule 3745-17-11, Ashta violated the particulate matter emission limit of 10.1 lb/hr established by OAC Rule 3745-17-11. The violations occurred on 340 separate days from January, 02, 1996 through, at least, July 29, 1999. This violation is based on five percent dust escaping during load-out averaged over three hours.
35. In violation of OAC Rule 3745-17-08(B) and 3745-17-08(B)(3), Ashta failed to take or install and operate reasonably available control measures for minimizing fugitive emissions at the APC process. These reasonably available control measures include using the baghouse to minimize fugitive emissions during load-out at the APC process.
36. In violation of conditions in the PTI issued February 14, 1996, Ashta failed to operate the baghouse at the APC process from January, 1996 through, at least, August, 1999.

2-11-00
Date



Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation and Finding of Violation, issued pursuant to the Clean Air Act, by Certified Mail, Return Receipt Requested, to:

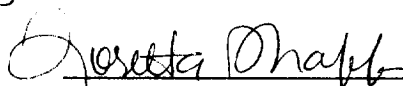
Richard L. Jackson, V.P. Operations
Ashta Chemicals, Inc.
3509 Middle Road
P.O. Box 858
Ashtabula, OH 44004

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. 1049
Columbus, Ohio 43216-1049

Dennis Bush, APC Supervisor
Northeast District Office
2110 E. aurora Road
Twinsburg, Ohio 44087

on the 14th day of February, 2000.



Loretta Shaffer, Secretary
AECAS, (OH/MN)

CERTIFIED MAIL RECEIPT NUMBER: 2 199 026 563